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IQ DATA INTERNATIONAL, INC.

8  
9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11 CASSANDRA JONES

12 Plaintiff,

13 vs.

14 IQ DATA INTERNATIONAL, INC.

15 Defendant.

CASE NO. 8:17-cv-00818

**DEFENDANT IQ DATA  
INTERNATIONAL, INC.'S  
NOTICE OF REMOVAL**

Complaint: April 5, 2017  
Trial: Not Set

16 TO THE CLERK OF THE ABOVE-ENTITLED COURT, TO PLAINTIFF  
17 AND HER ATTORNEYS OF RECORD:

18 PLEASE TAKE NOTICE that defendant IQ Data International, Inc.  
19 (hereinafter "IQ Data") removes this civil action from the Superior Court of the  
20 State of California for the County of Orange to the United States District Court for  
21 the Central District of California, pursuant to 28 U.S.C. §§ 1441 and 1446, based  
22 on federal question jurisdiction. Specifically, plaintiff Cassandra Jones asserts  
23 claims for damages arising out of alleged violations of the federal Fair Debt  
24 Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.* and the Fair Credit  
25 Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq.*, as well as state law claims  
26 under the Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), Cal. Civ.  
27 Code § 1788 *et seq.* and the Consumer Credit Reporting Agencies Act  
28

(“CCRAA”), Cal. Civ. Code § 1785 *et seq.*

In support of this notice of removal, IQ Data, through its counsel, states as follows:

### **PROCEDURAL BACKGROUND**

1. Plaintiff commenced this action by filing a Complaint in the Superior Court of the State of California for the County of Orange on April 5, 2017 styled *Cassandra Jones v. IQ Data International, Inc.*, Case No. 30-2017-00912979-CL-NP-CJC (the “State Court Action”). A true and correct copy of the summons and complaint is attached hereto as Exhibit “A,” in accordance with 28 U.S.C. § 1446(a), and is incorporated by reference.

2. The Complaint asserts violations under the FDCPA, 15 U.S.C. § 1692 *et seq.* and the FCRA, 15 U.S.C. § 1681 *et seq.* Plaintiff further alleges violation of the RFDCPA, Cal. Civ. Code § 1788 *et seq.* and the CCRAA, Cal. Civ. Code § 1785 *et seq.* The Complaint was served on IQ Data on April 6, 2017.

### **BASIS FOR REMOVAL – FEDERAL QUESTION JURISDICTION**

3. Under 28 U.S.C. § 1441(a), any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

4. Further, 28 U.S.C. § 1441(b) provides that any civil action for which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties.

5. This matter may be removed from the state court because this Court has original jurisdiction over claims arising under the FDCPA, which is a law of the United States. Further, the FDCPA provides “[a]n action to enforce any liability [created by this subchapter or under this title] may be brought in any

1 appropriate United States district court, without regard to the amount in  
2 controversy, or in any other court of competent jurisdiction.” 15 U.S.C. §  
3 1692k(d).

4 6. In addition, this matter may be removed from the state court because  
5 this Court has original jurisdiction over claims arising under the FCRA, which is a  
6 law of the United States. Further, the FCRA provides “[a]n action to enforce any  
7 liability [created by this subchapter or under this title] may be brought in any  
8 appropriate United States district court, without regard to the amount in  
9 controversy, or in any other court of competent jurisdiction.” 15 U.S.C. § 1681(p).

#### 10 **TIMELINESS OF REMOVAL**

11 7. The summons and complaint was served on IQ Data on April 6, 2017.  
12 Defendant’s Notice of Removal is therefore timely because defendant has filed this  
13 Notice “within thirty days after receipt by the defendant, through service or  
14 otherwise, of a copy of an amended pleading, motion, order or other paper from  
15 which it may first be ascertained that the case is one which is or has become  
16 removable.” 28 U.S.C. § 1446(b)(3).

#### 17 **VENUE**

18 8. Venue is proper in this district and division because the State Court  
19 Action was filed and is pending in the Superior Court of the State of California for  
20 the County of Orange, which is located within the United States District Court for  
21 the Central District of California.

#### 22 **SUPPLEMENTAL JURISDICTION**

23 9. This Court also has supplemental jurisdiction to the extent any state  
24 law claims are alleged. *See* 28 U.S.C. § 1367(a) (a federal court has “supplemental  
25 jurisdiction over all other claims that are so related to claims in the action within  
26 such original jurisdiction that they form part of the same case or controversy under  
27 Article III of the United States Constitution.”)

1           10. This Court has jurisdiction over state law claims where a plaintiff  
2 seeks the resolution of a substantial federal question through the implication of  
3 remedies available under federal law. *See Grable & Sons Metal Products, Inc. v.*  
4 *Darue Engineering & Mfg.*, 545 U.S. 308, 313-314 (2005).

5           11. The claims in plaintiff's Complaint arise under laws of the United  
6 States because plaintiff's claims necessarily depend on the remedies available  
7 under both 15 U.S.C. §1692 *et seq.* and 15 U.S.C. § 1681 *et seq.* Plaintiff invokes  
8 15 U.S.C. §1692 *et seq.* and 15 U.S.C. § 1681 *et seq.* throughout the Complaint in  
9 requesting statutory damages under these federal statutes. Facts are asserted as  
10 being defined by federal statute in paragraphs 2-5, 10, 11, 21, 26 and 28 of the  
11 Complaint. Plaintiff's Complaint alleges a "violation" of 15 U.S.C. §1692 *et seq.*  
12 (paragraph 11) and 15 U.S.C. § 1681 (paragraphs 21).

### 13                           **COMPLIANCE WITH REMOVAL PROCEDURES**

14           12. Defendant has complied with the procedural requirements for removal  
15 set forth in 28 U.S.C. § 1446. As noted above, the notice of removal is filed within  
16 30 days of the service of the pleading from which it may first be ascertained that  
17 the case is one which is or has become removable.

18           13. Pursuant to § 1446(d), a copy of this Notice of Removal, including  
19 exhibits, is being served on plaintiff.

20           14. Pursuant to § 1446(d), a copy of this Notice of Removal, including  
21 exhibits, will be filed with Superior Court of the State of California for the County  
22 of Orange to the United States District Court for the Central District of California,  
23 in Case No. 30-2017-00912979-CL-NP-CJC.

24           15. Copies of all process, pleadings and orders served on the defendant  
25 are attached hereto.

26           16. There are no other named defendants; therefore, there is no issue  
27 regarding joinder of all defendants.

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By: /s/ Allison Fernandez  
 Craig J. Mariam  
 Allison Fernandez  
 Jason Shon  
 Attorneys for defendant  
 IQ Data International, Inc.